



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 31, 2022

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. John Chen*, 11 Cr. 1038 (PAE)

Dear Judge Engelmayer:

The Government respectfully submits this update letter and adjournment request on behalf of both parties in the above-captioned violation of supervised release proceeding against defendant John Chen. As the Court will recall, the Court previously adjourned the matter for state authorities to determine whether they would be filing charges against the defendant for the conduct underlying the violation specifications. If charges were filed, all parties contemplated further adjournment while those state charges were resolved; if no state charges were filed, the parties were instructed to be ready to proceed to a fact hearing.

On October 26, 2022, the Nassau County District Attorney's Office filed charges against the defendant, alleging that the defendant has committed grand larceny in the second degree by way of a credit card fraud scheme through which he allegedly stole more than \$450,000 worth of Apple iPhones and gift cards between approximately November 2020 and December 2021 while on supervised release. An arrest warrant has been issued, and the defendant is scheduled to appear in state court later this week for his arraignment.

In light of the pending state charges covering the same criminal conduct underlying the pending federal specifications, both parties respectfully submit that the most effective and efficient way to proceed would be to adjourn these violation proceedings to permit the state case to resolve. Accordingly, the parties jointly request that the Court adjourn the upcoming November 7, 2022

appearance for approximately 60 days, with the parties to further update the Court by letter a week in advance of the appearance.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

by:



Jacob R. Fiddelman
Assistant United States Attorney
(212) 637-1024

cc: Karloff Commissiong, Esq.

GRANTED. The next conference in this matter is adjourned until February 1, 2023 at 12:00 p.m. The Clerk of Court is requested to terminate the motion at Dkt. No. 130.

11/1/2022

SO ORDERED.



PAUL A. ENGBLUMAYER
United States District Judge